

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**TOCCARA YVONNE PULLER,**

Plaintiff,

v.

Civil Action No. **3:24CV138**

**CHADWICK DOTSON, *et al.*,**

Defendants.

**MEMORANDUM OPINION**

Plaintiff, a Virginia state prisoner proceeding *pro se* and *in forma pauperis*, submitted this action pursuant to 42 U.S.C. § 1983. By Memorandum Order entered on August 7, 2024, the Court directed Plaintiff to file a particularized complaint. On September 24, 2024, the Court granted Plaintiff a thirty (30) day extension in which to file her particularized complaint. (ECF No. 19.) More than thirty (30) has elapsed, and Plaintiff has not filed a particularized complaint.

Instead, on October 28, 2024, the Court received a “Motion to Withdraw” the action “ask[ing] the Courts to withdraw this petition due to Plaintiff needing civil practitioner counsel appointed.” (ECF No. 23, at 1 (spelling and capitalization corrected).)<sup>1</sup> It appeared that Plaintiff wishes to voluntarily dismiss the case. Accordingly, by Memorandum Order entered on October 31, 2024, the Court explained that it would dismiss the action without prejudice in twenty (20)

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<sup>1</sup> In the October 31, 2024 Memorandum Order, the Court also explained: “Plaintiff does not specifically ask the Court to appoint counsel in her Motion to Withdraw. However, even if she had, counsel need not be appointed in § 1983 cases unless the case presents complex issues or exceptional circumstances. *See Fowler v. Lee*, 18 F. App’x 164, 166 (4th Cir. 2001) (citation omitted). This action presents no complex issues or exceptional circumstances at this juncture. Additionally, Plaintiff’s pleadings demonstrate that she is competent to represent herself in the action at this point.” (ECF No. 22, at 1 n.1.)

days from the date of entry thereof unless Plaintiff filed a second particularized complaint that complies with the directions in the August 7, 2024 Memorandum Order.

More than twenty (20) days have elapsed, and Plaintiff has not filed a particularized complaint. Accordingly, the Motion to Withdraw, (ECF No. 23), will be GRANTED, and this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Date: *27 November 2024*  
Richmond, Virginia

*/s/ JAG*  
John A. Gibney, Jr.  
Senior United States District Judge